

Meeting Summary of the SANBAG Board of Directors

San Bernardino Associated Governments ■ 1170 W. 3rd St., 2nd Floor, San Bernardino, CA 92410 ■ (909) 884-8276
www.sanbag.ca.gov

■ Legislative efforts aim to “Save Prop. 42”

Topping the list of SANBAG’s new state legislative priorities for 2005 is the protection of existing highway and transit funds, including Proposition 42. With California facing another budget shortfall, SANBAG and other transportation, business and labor groups are urging the legislature to refrain from raiding transportation funds to again close the deficit.

Approved by California voters in March 2002, Prop. 42 was designed to redirect the state’s portion of sales tax on gasoline and diesel fuel from the general fund to transportation programs. About \$1.1 billion annually in Prop. 42 funds were supposed to have begun flowing to transportation projects in July 2003. Since that time, only \$295 million have been directed to transportation, because of a loophole that allows the measure to be suspended in a fiscal emergency.



Gov. Schwarzenegger has stated that due to a \$8 billion to \$10 billion deficit for 2005-06, channeling Prop. 42 funds from transportation to the general fund is a distinct possibility. This would be the third straight year that these funds have been redirected.

The combination of eliminated Prop. 42 funds and slower than expected federal transportation dollars coming to California has resulted in such a severe cash flow crunch that no new project allocations have been approved since December 2002, explained Kris Leathers Murray, SANBAG’s director of intergovernmental and legislative affairs.

Through press conferences and lobbying efforts, SANBAG and other agencies are urging legislators to stop raiding transportation funds. Efforts also are being considered to pursue legislation or to launch an initiative to permanently close the Prop. 42 loophole that allows for its suspension.

■ Lynn, Miyamoto, Ryba mark five years at SANBAG

A trio of SANBAG staff members were honored by the Board of Directors for five years of service to the agency. Air Quality/Mobility Programs Analyst Kelly Lynn, Administrative Analyst Terri Miyamoto and Data Program Administrator Ginger Ryba each received pins to recognize them for the commitment. Congratulations!



Kelly Lynn and Terri Miyamoto receive pins from Board President Paul Biane. Not pictured is Ginger Ryba.

■ SANBAG welcomes new Board members

A number of new faces will be seen around the table at SANBAG Board meetings. Please welcome the following new members of the SANBAG Board of Directors:

- Council Member Rick Roelle, Apple Valley
- Mayor Darrell Mulvihill, Big Bear Lake
- Mayor Dennis Yates, Chino
- Mayor Pro Tem Alan Wapner, Ontario
- Mayor Pro Tem Diane Williams, Rancho Cucamonga
- Mayor Grace Vargas, Rialto
- Council Member Kevin Cole, Twentynine Palms
- Supervisor Josie Gonzales, County of San Bernardino, 5th District
- Supervisor Gary Ovitt, County of San Bernardino, 4th District (Formerly served on the SANBAG Board as Mayor of Ontario)

Down the road ...

- Jan. 7: Release of Inland Empire Infrastructure Report Card, 9 a.m.
- Jan. 12: Administrative Committee, 9 a.m.
- Jan. 12: Commuter Rail Committee, 12 noon
- Jan. 13: Major Projects Committee, 12 noon
- Jan. 19: Plans & Programs Committee, 12 noon
- Jan. 21: Mountain-Desert Committee, 9 a.m.



SANBAG to appeal ruling in Sierra Club complaint **Board authorizes filing of writ with Court of Appeal**

SANBAG's Board of Directors authorized the agency's legal counsel to appeal a judge's ruling that would allow a lawsuit filed by a local chapter of the Sierra Club to proceed against Measure I, the half-cent sales tax for transportation improvements in San Bernardino County.

This month's issue of *Measuring Success* provides the latest information about SANBAG's response to the Sierra Club challenge to Measure I.

Lawsuit against Measure I filed in August

The San Geronio Chapter of the Sierra Club filed a challenge to Measure I in August, demanding that the extension of the sales tax measure be rendered void, based on allegations that proper environmental review was not conducted.

Judge denies motion to set aside complaint

Measure I was approved by more than 80 percent of county voters on November 2, and legal counsel for SANBAG, functioning as San Bernardino County's Transportation Authority, asked that the court set aside the challenge to Measure I, based on a number of arguments, including:

- Measure I is simply a funding mechanism for thousands of transportation projects spanning 30 years (2010-2040), and does not give final approval for any particular project to be undertaken. Funding mechanisms are exempt from review under the California Environmental Quality Act. SANBAG or other lead agencies for transportation projects conduct full environmental review of individual projects once they are approved to be undertaken.
- CEQA guidelines also exempt proposals submitted to a vote of the people of a particular community. The County Board of Supervisors' action to place Measure I on the ballot for a vote of the people of San Bernardino County is exempt and therefore does not require environmental review.
- The Sierra Club did not file its petition against SANBAG by the deadline required.

Rancho Cucamonga Superior Court Judge Shahla Sabet denied SANBAG's motion to dismiss the case on December 17, and a status conference on the matter is set for January 11.

SANBAG to file writ of mandamus

Board members authorized counsel to file a "writ of mandamus" with the 4th District Court of Appeal, based in Riverside. SANBAG counsel has until mid-February to file the writ, which will ask the court to overturn the judge's ruling. Board members also authorized counsel to file further appeals, if necessary.

Board approves final Route 210 construction contract



Board members unanimously awarded a contract totaling \$35.4 million to Atkinson Contractors/MCM Construction Joint Venture for work on Route 210 in San Bernardino.

Atkinson Contractors, operating solely, was awarded a separate contract for freeway mainline work in October. The joint venture between Atkinson and MCM Construction was the lowest responsible bidder from a field of four firms. Bids were opened December 21.

The contract will cover the construction or widening of six bridges, improvements to existing loop ramps at the interchange with Interstate 215, construction of a storm drain system, construction of sound walls and a retaining wall and improvements to local streets.

This work will be conducted simultaneously with freeway mainline work in San Bernardino and Rialto, including soil excavation, lane paving and other structures.

The new contract is subject to approval by the Federal Highway Administration.

Funding for the new freeway is provided by a combination of federal, state and local funds. The local funding source is Measure I, the half-cent sales tax for San Bernardino County transportation improvements. State Route 210 is SANBAG's largest Measure I project.

